

A Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, March 5, 2015.

The following actions were made during the meeting:

**Councilmember Whittaker motioned to adopt Resolution 15-03: A Resolution proclaiming April as Child Abuse Prevention Month. Councilmember Hellstern seconded the motion.**

**Councilmember Whittaker made a motion to amend to waive the second reading of Resolution 15-03. Councilmember Hellstern seconded the motion. Councilmember Jacobsen asked for general consent to be given on the amendment. General consent was given by the City Council.**

**The motion passed 5-0; with Councilmember Whittaker, Councilmember Hellstern, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.**

**Councilmember Jacobsen motioned to authorize Mayor Dustin and city staff to negotiate in good with faith with the Cache County School District in mitigating for the alternative construction method on the 2600 bridge. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, Councilmember Beus, and Councilmember Hellstern all in favor.**

**Councilmember Hansen motioned to approve Resolution 15-04: A Resolution amending the budget for the various funds of Nibley City for fiscal year 2014-15 for a first reading. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Beus, and Councilmember Hellstern all in favor.**

**Councilmember Hansen motioned to nominate Councilmember Jacobsen to serve as Mayor Pro Tempore. Councilmember Hellstern seconded the motion. The motion passed 4-1; with Councilmember Hansen, Councilmember Hellstern, Councilmember Whittaker, and Councilmember Beus all in favor. Councilmember Jacobsen abstained from voting.**

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#### OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

#### **Call to Order**

Mayor Shaun Dustin called the Thursday, March 5, 2015 Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember

Bryan Hansen, Councilmember Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Amber Whitaker, and Councilmember Ron Hellstern. David Zook, Nibley City Manager, Shari Phippen, Nibley City Planner, and Justin Maughn, Nibley City Public Works Director, were also in attendance.

**Approval of agenda; and approval of the February 19, 2015 meeting minutes**

Councilmember Hellstern made a motion to approve the 2-19-15 meeting minutes and the evening's agenda. Councilmember Beus seconded the motion. The motion passed unanimously.

**Presentation by Child and Family Support Center regarding Child Abuse Prevention Month**

Mr. Zook introduced Esterlee Molyneux, the Executive Director of the Child and Family Support Center.

Ms. Molyneux said everything that was done at the center focused on families and children and said that all of their programs were provided at low cost or no cost. She described some of the services offered by the Child and Family Support Center. Ms. Molyneux described their second facility opening in Hyrum. Ms. Molyneux thanked Nibley City for the partnership they had, noting especially Nibley's participation in the 1<sup>st</sup> annual Candy Cane Dash. Ms. Molyneux expressed her appreciation of Mr. Zook and the volunteer service he gave to the community. Ms. Molyneux told the City Council and public present that the Child and Family Support center would be changing their name to "The Family Place" in the near future.

Mayor Dustin thanked the Child and Family Support Center for the service they gave the community.

**Discussion and Consideration of Resolution 15-03: A Resolution proclaiming April as Child Abuse Prevention Month**

Mayor Dustin read Resolution 15-03 to the City Council and public present.

Councilmember Whittaker made a motion to adopt Resolution 15-03: A Resolution proclaiming April as Child Abuse Prevention Month. Councilmember Hellstern seconded the motion.

Councilmember Whittaker made a motion to amend to waive the second reading of Resolution 15-03. Councilmember Hellstern seconded the motion. Councilmember Jacobsen asked for general consent to be given on the amendment. General consent was given by the City Council.

Councilmember Jacobsen said he would like to have further discussion on other things the City Council could do to assist the Child and Family Support center in addition to adopting a resolution. Ms. Molyneux said disseminating the word was the best way they could support the center.

The motion passed 5-0; with Councilmember Whittaker, Councilmember Hellstern, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Seeing that the County Sheriff was not yet present, Mayor Dustin asked for general consent to suspend the agenda and move to the next item on the agenda. General consent was given.

Mayor Dustin recognized Scout Troop 114 with members working on Citizenship in the Community and a Communications Merit Badges.

#### **Staff Report Regarding Status of Updates to Subdivision and Noise Ordinances**

Miss Phippen gave the City Council a status report on the progress of the Nibley City noise ordinance. She described her discussion with their prosecutor, Tony Baird, at the Cache County Attorney's Office. She said she also had an appointment for a conference call with him on Tuesday. She said she wanted to be able to incorporate his comments in a draft ordinance that would be present to the Council at their next meeting.

Miss Phippen updated the City Council on the subdivision ordinance. She said there were technical and grammatical errors that needed to be addressed but weren't anything substantive. Miss Phippen said she was working on setting up a meeting with the County Water Master, Bob Fatheringham and the County water attorney regarding secondary water. She said there had been some concerns whether requiring secondary water systems would be considered a public utility and need to be handled differently. Miss Phippen asked the City Council if there were other things that had been overlooked that the City Council needed addressed outside of secondary water. Mayor Dustin reminded Miss Phippen of rights-of-way along water courses. Councilmember Jacobsen asked Miss Phippen if she understood the action that had been added by the City Council regarding pedestrian connectivity.

Councilmember Jacobsen said he had found his inspiration for Nibley Noise ordinance from Portland, Oregon. He said he had included the ordinance in the City Council box.

Miss Phippen made the City Council aware of the process that would be taking place that could possibly change their annexation policy plan. She stated for the record that Nibley didn't have a piece of land that was requesting to be annexed. She said she had a positive relationship with the planning and development of adjoining cities and thought this would be a good time to look at city boundaries and annexation issues.

Miss Phippen informed the City Council that there would be training by a representative from the Property Rights ombudsman at the next Planning & Zoning Commission meeting on Wednesday, March 11, 2015 at 5:30 p.m. She invited the City Council to attend.

#### **Discussion of the Council's Interpretation of Bridge Standards for the 2600 South Bridge**

Justin Maughn, Nibley City's Public Works Director was present at the meeting. He described the company that had been selected for the bridge construction through the bid process. He said that company had come back and suggested they would like to use the Idaho Transportation standard. He said after discussing this with the Utah Department of Transportation (UDOT) they felt there was a risk of longevity; specifically with the code of rebar and the required inspections by UDOT. Mr. Maughn discussed the inspections that would be conducted by UDOT. Mr. Maughn felt they were taking on a little bit of risk with the Idaho standards but felt the risk was not substantial. Mayor Dustin and Mr. Maughn discussed epoxy coated rebar. Mayor Dustin asked if Mr. Maughn was comfortable with the Idaho standard. Mr. Maughn said he was comfortable with the Idaho standard. Councilmember Hellstern and Mr. Maughn discussed the price difference between the two bridge standards.

Mayor Dustin said he recommended the City Council accept the Idaho standard requiring the epoxy coated rebar because it reduced their risk. He said Idaho had a 20 year track record using this standard. He felt they were justified in asking some consideration in absorbing the risk. He said it looked like the School District was willing to give some things in-kind.

Mr. Zook said the school district representative had said they would be willing to consider contributing more land to the city. Mr. Zook displayed a map showing the land the school district had said they would be willing to give to Nibley City. Mr. Zook said if the City Council was amenable to accepting the new bridge standard that he suggested they accept with the condition that the school district includes the land as a condition of the acceptance.

Councilmember Jacobsen asked that correspondence with Mr. Maughn be added to the record. He noted this was coming from an email to a UDOT structural engineer and he felt it was valid.

"He stated that it may not be a huge deal if using a reputable manufacture, but you are taking some risk. He thought that the savings amount of \$40k sounded reasonable for the number of girders on our bridge. It would never be allowed on a UDOT bridge."

Councilmember Jacobsen reiterated that they "had a deal" and he felt agreements must be kept. He felt there needed to be considerations to offset the additional risk Nibley was taking.

Lance Anderson with Cache Landmark Engineer was present at the meeting. He conceded that the contract that Nibley had agreed to was for a UDOT standard bridge and that was why there were there; to discuss a different agreement. He said the same thing had happened with Logan on a bridge on 17<sup>th</sup> South. He said the girder on 17<sup>th</sup> South was the same girder they would be using if the Nibley City Council accepted the Idaho Transportation standard.

Councilmember Hellstern said he would like a guarantee of longevity from the contractor. Councilmember Jacobsen said “something for something, quid pro quo—bring me something.” Councilmember Whittaker stated her concern with the potential risk to Nibley City being prepared to replace the bridge earlier. She felt it was difficult not having a standard to mitigate the risk. She said she understood if they had a reputable builder, however, she was concerned that one acre of land wouldn’t constitute a bridge lasting eight years less. She said it was comparing apple to oranges. Mayor Dustin discussed that they didn’t know which design was better. Councilmember Hansen said they had given them their opinion but asked if they could mitigate and have one of their own people go over it. Councilmember Jacobsen said he wouldn’t say yes on this change unless there was “something for something.” Mayor Dustin noted that the contractor was providing fill to mitigate the slope that was coming off the highway to the bridge access. Councilmember Jacobsen discussed the school providing access to their fields when they weren’t being by the school for a U14 soccer field. The City Council and Mayor Dustin discussed items they felt could be considered for trade off; usable land to expand the trails on the west side of the river, additional fill dirt and grading on the west side of the river, and/or additional access to school facilities (sport fields). Councilmember Jacobsen thought that was fair if they were able to see the deal before it was signed off. Councilmember Jacobsen was interested in land that was actually valuable to Nibley plan. He wasn’t sure if the land the school district was proposing was valuable to them or not.

Councilmember Jacobsen said he didn’t want to paint them into a corner and directed Mr. Zook and Mayor Dustin to negotiate in good faith and bring them back a deal that was worth the additional risk. He felt the traded value should be worth approximately \$40,000.

Councilmember Jacobsen made a motion to authorize Mayor Dustin and city staff to negotiate in good with faith with the Cache County School District in mitigating for the alternative construction method on the 2600 bridge. Councilmember Whittaker seconded the motion.

Justin Maugh told the City Council that this was time sensitive.

The motion passed unanimously 5-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, Councilmember Beus, and Councilmember Hellstern all in favor.

**Discussion and Consideration of Resolution 15-04: A Resolution amending the budget for the various funds of Nibley City for fiscal year 2014-15 (First Reading)**

Mr. Zook had provided a sheet of changes to the City Council. He explained the changes line by line and described the reasoning for the changes to the current fiscal year budget. He described the increased revenue from building permits, development reimbursements, communication center dispatch, and the river project reimbursement. Mr. Zook described the increased general fund expenditures; radio fees, communication center fees, court education and training, utility postage, Planning & Zoning Commission legal expenses,

Planning & Zoning Commission engineering expenses, trees, and tree board. Mr. Zook discussed capital projects fund expenditures; capital improvement fund and Heritage Park west. Next he discussed additional water fund expenditures; water testing. Finally he described additional sewer fund expenditures; legal expenses.

Mayor Dustin said he didn't anticipate any changes to these numbers by the next City Council meeting with exception of the amount being proposed in the capital improvement fund.

Councilmember Hansen made a motion to approve Resolution 15-04: A Resolution amending the budget for the various funds of Nibley City for fiscal year 2014-15 for a first reading. Councilmember Whittaker seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Whittaker, Councilmember Jacobsen, Councilmember Beus, and Councilmember Hellstern all in favor.

#### **Selection of Mayor Pro-Tem to serve during the Mayor's upcoming absence**

Mayor Dustin reported he would be out of town going to Texas and China. He said he would be gone March 15 through April 6 which would necessitate the need for a Mayor Pro Tempore.

Councilmember Hellstern asked if they would be meeting the first meeting in April. Mr. Zook recalled that they had decided they would discuss this at the March 19 City Council meeting. Councilmember Hellstern reported that he wouldn't be present the first week in April.

Councilmember Hansen made a motion to nominate Councilmember Jacobsen to serve as Mayor Pro Tempore. Councilmember Hellstern seconded the motion.

Councilmember Hansen also reported that he also wouldn't be present at the first City Council meeting in April. Mayor Dustin said that he would serve Monday, March 16 through April 4.

The motion passed 4-1; with Councilmember Hansen, Councilmember Hellstern, Councilmember Whittaker, and Councilmember Beus all in favor. Councilmember Jacobsen abstained from voting.

#### **Staff and Council Reports**

Councilmember Jacobsen asked about soccer field development at Heritage School. Mr. Zook said the parks department felt the property was too small to be usable.

Councilmember Hellstern reported on a meeting with the Stokes Nature center.

Councilmember Hellstern reported on the Tree Board and Cache Valley Wildlife Association. He said they were looking at the potential to order trees for Nibley City tied to the National Wildlife Federation. The NWF would provide \$1/tree sealing as a

reimbursement if they had youth involved in the planting and a giveaway program. He discussed other stipulations attached to this grant application.

Councilmember Hansen reported on a meeting with Rod Elwood and with the USU Extension Office regarding a long term plan for the Community Garden. He asked Councilmember Hellstern about the availability of fruit trees for that area. He discussed plans for a shelter or green house structure.

Councilmember Beus asked for the City Council's opinion of giving the City Council an opportunity to write for the Nibley newsletter. Councilmember Jacobsen said he felt they didn't need an assignment. The City Council agreed to work from a schedule.

The City Council gave general consent to suspend the agenda to hear from Sheriff Chad Jensen.

#### **Presentation by Cache County Sheriff**

Cache County Sheriff Chad Jensen introduced himself to the City Council. He described his philosophy and practices in administering law enforcement. Sheriff Jensen discussed that he had listening to the city's complaints and was working to improve consistency and communication. Sheriff Jensen said that coverage and response time would be much better and that the City Council would see himself or Lieutenant Peters frequently. Sheriff Jensen discussed Nibley City's contract with the Sheriff's Department. Mayor Dustin thanked Sheriff Jensen for the time he had taken.

#### **Staff and Council Reports—continued**

Mayor Dustin reported that he would be meeting with Bob Fatheringham to discuss water rights.

Mayor Dustin reported on changes in the Nibley City office.

Mayor Dustin reported on a meeting about 3200 South and highway 89 and the impact on utilities and right-of-way. Mr. Zook reported on the intersection of highway 89/91 and 3200 South.

Mayor Dustin reported on wastewater proceedings. He said the \$1,500 being spent for the attorney was money well spent. He said the agreement that had been drafted was a good agreement but that Logan wasn't happy about it. Mayor Dustin felt they were getting better numbers in terms of what the sewer would cost per month. Mr. Zook said they had discussed with Providence how much it would cost to go with Hyrum and he described how and why he felt Hyrum needed Nibley and Providence.

Mr. Zook reported on the new contract with the Sheriff's Department.

Mr. Zook reported on the TAP grant to build a trail along 800 West to Logan City.

Mr. Zook reported on the completion of Nibley's RAPZ grant application. He reported on the anticipated RAPZ grant money to complete Heritage Park West. He felt they would have an updated appraisal on that property on Monday.

Mr. Zook reported on a meeting with Stokes Nature Center and the intersection at 2600 South and SR 165. The latest news was that they wouldn't have to involve the Stokes Nature Center property at all. He discussed the Stokes Nature Center's plans to build a facility on the property where they could hold programs and develop a program with the high school.

Mr. Zook reported on the Rural Planning Group and said the group was still in the data collection phase. Mr. Zook said they had indicated that they would have some documents for the City Council to review by mid-April and it was anticipated they could final the revision of the General Plan in May.

Mr. Zook reviewed the items that he anticipated would be on the next meeting agenda. Mr. Zook said he anticipated that the City Council would see a cell phone tower ordinance on the agenda soon. He reported that there had been a request for a cell tower.

Mr. Zook discussed 3200 South and the realignment on the West end.

Mr. Zook reported on the Nibley Easter Egg hunt and 5K being held on April 4, 2015.

Mr. Zook reported he had been playing phone tag with UDOT about the crosswalk at the intersection of 3200 South and SR 165. He said that UDOT had reported that they would put the crosswalk in this summer but that they were also pursuing funding to help Nibley realign the intersection.

There was general consent to adjourn the meeting at 9:31 p.m.